

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

-vs-

EDUARDO VALENCIA,

Plaintiff,

Defendant.

**Case No. 1:22-CR-2073-SAB-1**

**CRIMINAL MINUTES**

**DATE: JUNE 12, 2024**

**LOCATION: YAKIMA, WA**

**SENTENCING HEARING**

**CHIEF JUDGE STANLEY A.  
BASTIAN**

Michelle Fox <b>Courtroom Deputy</b>	02 <b>Law Clerk</b>	<b>Interpreter</b>	Marilynn McMartin <b>Court Reporter</b>
Thomas Hanlon <b>Government Counsel</b>		Douglas Phelps <b>Defense Counsel</b>	
<b>United States Probation Officer:</b> Jennifer Dykstra			

☒ **Open Court**

☐ **Chambers**

☐ **Telecon/Video**

Defendant present and in custody of US Marshal.

Court outlines the case. Defendant was found guilty by a jury on counts 1 and 2. Court summarizes maximum penalties and guidelines. Court has reviewed all of the materials submitted and presentence report. Court has reviewed the presentence report. 24, III, 63-78 months plus 7 years on count 2, mandatory minimum.

D. Phelps filed objections. Paragraph 79 and paragraph 11 and paragraph 152.

Court addresses Paragraph 152. Will not take it that way.

Court addresses Paragraph 11. It is an accurate reflection of the reports. Court overrules objection to Paragraph 11.

Court addresses Paragraph 79. T. Hanlon presents argument. Court notes objection but will not redo the guideline calculations.

Luz Bazan Gutierrez speaks to the Court.

T. Hanlon presents argument and outlines recommendations. 162 months.

**[X] ORDER FORTHCOMING**

<b>CONVENED: 2:00 P.M.</b>	<b>ADJOURNED: 2:27 P.M.</b>	<b>TIME: 27 MIN.</b>	<b>CALENDARED [ X ]</b>
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D. Phelps presents argument and outlines recommendations.

Court speaks to the defendant.

Defendant speaks to the Court.

Court speaks to the defendant. Court outlines the 3553 factors.

Court asks if there is any restitution. T. Hanlon states yes, \$16,473 Restitution.

D. Phelps asks about the Motion for Rule 29. It was reserved. Court rules on the Motion. Court DENIES Motion.

Court outlines the 3553 factors.

Imprisonment: Count 1 – 78 months. Count 2 - 84 months. Term to run Consecutively.  
Total: 162 months. Credit for time served.

Supervised Release: 5 years. With all the standard conditions and the following special conditions:

1. You must complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement, absent further order of the court. You must allow reciprocal release of information between the supervising officer and treatment provider. You must contribute to the cost of treatment according to your ability to pay.
2. You must submit your person, residence, office, or vehicle and belongings to a search, conducted by a probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You must warn persons with whom you share a residence that the premises may be subject to search.
3. You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.
4. You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
5. You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Court asks if defendant agrees to all conditions and does he waive the reading of the conditions.

D. Phelps indicates defendant waives reading the conditions.

SPA: \$200.00.

Fine: Waived.

Restitution: \$16,473.00.

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D. Phelps requests counsel appoint appellate counsel. Court suggests contacting CJA D. Gardner prior to filing.

Right to appeal addressed.